THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23137 OF 2005

Dt.27.10.2005

Between:

N.Venkataiah

… Petitioner

And

The Mandal Revenue Officer, Wangoor

Mandal, Mahaboobnagar District and

2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner herein is the Fair Price Shop dealer of Kondareddypally Village, Wangoor Mandal, Mahaboobnagar District, which was allotted to him by proceedings dated 22.7.1999. It is stated the petitioner has been lifting the essential commodities and distributing the same to the card holders of Kondareddypally Village without any interruption. While so, he fell sick and he was admitted in a hospital at Hyderabad for about three months and the same was informed to the Mandal Revenue Officer, Wangoor Mandal, who in turn made alternate arrangements for the supply of essential commodities through adjacent dealer. It is stated that the adjacent dealer lifted the essential commodities and supply the same to the

card holders and there was no inconvenience at any time whatsoever. While so, due to political pressure, the first respondent addressed a letter dated 23.9.2004 to the 2nd respondent, the Revenue Divisional Officer, Mahaboobnagar District alleging that the petitioner is not lifting the goods and committing irregularities in distributing the essential commodities to the said villagers. Accordingly, the 2nd respondent issued show cause notice dated 24.9.2004 stating that the petitioner is not lifting the essential commodities and causing much inconvenience to the card holders and due to which the essential commodities are being supplied through adjacent dealer. In that connection, the Collector also visited on 22.9.2004 and it is stated that certain complaints have been made against the petitioner and therefore the petitioner is directed to submit explanation as to why his dealership should not be cancelled for the charges levelled against him. Pursuant to the said show cause notice dated 24.9.2004, the petitioner submitted his explanation on 4.10.2004 stating that the allegations made in the show cause notice are incorrect and untrue and no inconvenience was made to the card holders and he has been lifting the essential commodities allotted to the shop every month in the prescribed time and distributing the same to the card holders and when the Collector visited the village on 22.9.2004, the in charge dealer found supplying the essential commodities as he was unwell and getting treatment at Hyderabad for three months and he has resumed to regular activities. It is stated that without accepting the said explanation submitted by the petitioner, the authorization of the fair price shop has been cancelled by proceedings No.1/2425/2004 dated .04.2005. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector (C.S), Mahaboobnagar and the Joint Collector dismissed the appeal by order in Case No.CS7/496/2005 dated 27.8.2005 stating that the petitioner was not remitting the Demand Draft regularly and not distributing PDS commodities to the card holders of the village and thereby causing inconvenience to them. Even according to the show cause notice, the essential commodities were being supplied through

adjacent dealer and therefore it cannot be said that PDS commodities were not lifted and supplied to the card holders causing inconvenience. Pursuant to the said dismissal of the appeal by the Joint Collector, notification dated 30.9.2005 has been issued for allotment of the said shop on permanent basis. The petitioner questions the said orders in cancelling his fair price shop dealership and the consequential notification dated 30.9.2005 calling for applications for appointment of fair price shop dealership for the said Kondareddypalli village.

Having regard to the facts and circumstances of the case, I am of the opinion that either the licensing authority or the appellate authority considered the explanation submitted by the petitioner about his ill-health and continuous lifting of PDS commodities and supplying the same to the card holders by the adjacent dealer. It is also stated that the first respondent has permitted the adjacent dealer when the petitioner was suffering with ill-health for a period of three months. Therefore, I am of the opinion that the explanation submitted by the petitioner has not at all been considered properly and the cancellation of authorization is illegal and unsustainable.

The writ petition is allowed accordingly. No costs.

(V.ESWARAIAH, J.)

27.10.2005

Note: Issue copy within three days

B.O.

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